

Appln No. 09/931,590  
Amdt date October 30, 2007  
Reply to Office action of September 12, 2007

### REMARKS/ARGUMENTS

Claims 1-10, 12-19, and 28-35 were pending in this application when last examined by the Examiner. Claim 13 has been amended. Claims 36-40 have been added. The amendments find full support in the original specification, claims, and drawings. No new matter has been added. In view of the above amendments and remarks that follow, Applicant respectfully requests reconsideration and an early indication of allowance of the now pending claims 1-10, 12-19, and 28-40.

Claims 1, 3-9, 12-13, 15-19, 28-33, and 35 are rejected under 35 U.S.C. 102(b) as being anticipated by Harper et al. (U.S. Patent No. 5,537,141). Claims 2, 14, and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harper et al. in view of Dunn et al. (U.S. Patent No. 5,517,257). Claim 10 is rejected under 35 U.S.C. 103 (a) as being obvious<sup>1</sup> over Harper et al. in view of Bolnick et al. (U.S. Pub. No. 2002/0023230). Applicant respectfully traverses these rejections.

Independent claim 1 recites "each PIR receiving and storing interactive content from a server system separately from the broadcast of the broadcast event and not embedded in the broadcast event signal, the interactive content being related to the broadcast event, the same interactive content being configured to be displayed by each client device during the first time period." (Emphasis added). Harper fails to teach or suggest this limitation.

Harper discloses an interactive distance learning system where an instructor can transmit a video lecture to a large classroom of students. (See, Abstract). The lecture is accompanied by questions that are displayed as video or overlaid as graphics data to prompt selection of one of various responses from the students by actuating a keypad. Each potential response is associated with an audio recording which provides an explanation as to why the answer choice is correct or incorrect. The interactive program that is transmitted by the instructor, however, is a "single video with a plurality of audio signals embedded therein to achieve interactivity." (Emphasis

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<sup>1</sup> The Examiner indicated in the Office action that claim 10 is rejected under 3 U.S.C. 103(a) as being "anticipated" by the cited references. (Office action, p. 7). Applicant assumes that this is a typographical error, and that the Examiner is in fact rejecting claim 10 as being obvious over the cited references.

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added). (Col. 11, lines 42-44). Harper explains that "the teacher control unit 100 creates and transmits an interactive video signal by taking video from cameras 104, graphics from the instructor's computer 114, or prerecorded video from a VCR 210, inserting multiple audio channels and data codes, and transmitting the resulting interactive video signal to the transmission system" for ultimate transmission to the individual students. (Emphasis added). (Col. 16, lines 5-10). Thus, Harper fails to teach or suggest "receiving . . . interactive content from a server system separately from the broadcast of the broadcast event and not embedded in the broadcast event signal," as is recited in claim 1. (Emphasis added).

Harper also fails to teach or suggest "storing interactive content from a server system separately from the broadcast of the broadcast event." (Emphasis added). Because Harper's interactive program is transmitted as a single video signal, the video, graphics, and audio making up the interactive program are all recorded together via a conventional recorder, such as, for example, via a traditional VCR. (See, Col. 5, lines 14-22; Col. 16, lines 45-49). In fact, Harper teaches away from "receiving and storing interactive content from a server system separately from the broadcast of the broadcast event." Harper instead touts the fact that "[a]s opposed to providing interactivity via multiple video channels, the provision of interactivity via multiple audio channels allows existing systems to be used. The present invention can be easily added to the existing transmission infrastructure, i.e. programming is preferably provided on a single NTSC signal and can be transmitted to receive sites using satellite, cable or television broadcast. Costs are further reduced, in comparison with existing distance learning systems, since the interactive program broadcast can be recorded with the taped or CD version retaining all the interactive elements. Therefore, the value of the present invention is the capability to reduce the social and economic distinctions between different classrooms across the country. Economically depressed school districts can afford the technology of the present invention." (Col. 5, lines 8-22). Based on this language in Harper, a person of skill in the art would have been led away from a system that would allow the separate receipt and storage of interactive content because such a system would require specialized infrastructure including the claimed "PIR." Accordingly, claim 1 is in condition for allowance.

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Independent claim 13, as amended, recites "a personal interactivity recorder (PIR) at the remote viewer location for causing to be stored interactive content related to the broadcast event and received separately from the broadcast event at the time of the broadcast event." As discussed above, Harper fails to teach or suggest this limitation. Accordingly, amended claim 13 is now in condition for allowance.

Independent claim 30 recites "a first recording device coupled to a first local storage medium for recording the broadcast video program and a second recording device coupled to a second local storage medium for recording the interactive data." Assuming, *arguendo*, that the VCR in Harper's classroom master unit is the claimed "first recording device," nothing in Harper teaches or suggests the claimed "second recording device for recording the interactive data." In Harper, the same recording device that records the video program also records any associated interactive data. Accordingly, claim 30 is in condition for allowance.

Claims 2-10, 12, 14-29, 28-29, and 31-35 are in condition for allowance because they depend on an allowable base claim, and for the additional limitations that they contain.

Claims 36-40 are new in this application. Claims 36-40 are in condition for allowance because they depend on an allowable base claim, and for the additional limitations that they contain. Specifically, claim 36 adds the limitation that "the PIR is invoked for forwarding and rewinding the stored interactive content." Although Dunn discloses the forwarding and rewinding of on-demand videos, nothing in Dunn teaches or suggests the forwarding and rewinding of "stored interactive content" when such content is stored separately from the broadcast event. Accordingly, claim 36 is also in condition for allowance for this additional limitation.

Claim 37 adds the limitation of "receiving a user interaction from the particular one of the devices during playback of the interactive content, wherein the interactive content is a poll question and the user interaction is a response to the poll question, wherein the poll response transmitted during the playback of the interactive content is ignored by the server system in calculating a poll result." Support for this limitation may be found on page 13, lines 14-22 of the

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specification. None of the cited references teach or suggest this limitation. Accordingly, claim 37 is also in condition for allowance for this additional limitation.

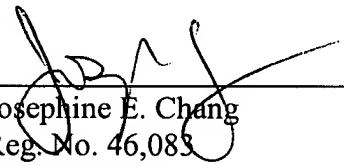
Claim 38 adds the limitation that "the PIR is configured to record the interactive content separately from the broadcast event," which is not taught nor suggested by the cited references. Accordingly, claim 38 is also in condition for allowance for this additional limitation.

Claim 39 adds the limitation that "each of the plurality of client devices are configured to receive the interactive data separately from the broadcast video program," which is not taught nor suggested by the cited references. Accordingly, claim 39 is also in condition for allowance for this additional limitation.

Claim 40 adds the limitation that "the second recording device stores the interactive data separately from the broadcast video program," which is not taught nor suggested by the cited references. Accordingly, claim 40 is also in condition for allowance for this additional limitation.

In view of the above amendments and remarks, reconsideration and allowance of the now pending claims 1-10, 12-19, and 28-40 are respectfully requested.

Respectfully submitted,  
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